

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON,)
)
Plaintiff,)
)
v.) Case No. CIV-15-1204-HE
)
)
(1) NATIONAL BOARD OF) *(Formerly District Court of Oklahoma*
MEDICAL EXAMINERS,) *County Case No. CJ-2015-5283)*
)
Defendant.)

**DEFENDANT'S UNOPPOSED APPLICATION
FOR LEAVE TO FILE RESPONSE BRIEF UNDER SEAL
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Section III.A. of the *Electronic Filing and Policy Procedures Manual* for the United States District Court for the Western District of Oklahoma, Defendant applies to the Court for an Order permitting it to file its response to Plaintiff's Motion to Quash [ECF Doc. No. 57] under seal. Defendant is authorized to state Plaintiff's counsel does not object to this application.

In support hereof, Defendant notifies the Court that its response discusses sensitive, non-public information about Dr. Patterson.¹ Furthermore, Defendant intends to attach portions of Dr. Patterson's deposition transcript discussing the same information. Because of the sensitive, non-public nature of the information, a gentlemen's agreement was reached

¹Defendant is unable to more specifically describe the information without revealing the substance of the information sought to be protected. In keeping with the instruction in the *Manual*, Defendant has stated in a general way the reason for its request.

between counsel to keep the deposition from becoming public to the fullest extent possible.

With the Court's permission, Defense counsel wish to honor this agreement.

Defendant requests that the Court expedite its ruling on this application. Defendant acknowledges its request is on short notice to the Court. As explanation, Plaintiff filed its Amended Motion to Quash on Wednesday, July 27, 2016. [ECF No. 57]. On Friday, July 28, 2016, this Court entered an Order shortening Defendant's response time to Friday, August 5, 2016. [ECF No. 59]. Beginning on Saturday, July 29, 2016, Defendant's counsel moved its offices out of the downtown Oklahoma City area to midtown. Defense counsel have been diligent in preparing the response brief, but had computers down for three of the past 7 days (as well as all of the other interruptions caused by moving). For these reasons, Defendant did not file this application for leave to file under seal earlier.

For the reason stated herein, the National Board of Medical Examiners respectfully requests that the Court grant it leave, on an expedited basis, to file its Response and any exhibits attached thereto under seal.

Respectfully submitted,

/s/ Amy L. Alden

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, clark@clarkmitchell.com
Heather Mitchell, heather@clarkmitchell.com
Katie L. Templeton, katie@clarkmitchell.com

/s/ Amy L. Alden